

**REMARKS**

Claims 1-4, 6, 14, 16 and 17 are pending in this application. By this Amendment, claims 1 and 14 are amended. Claim 5 is canceled without prejudice or disclaimer. No new matter is added by these amendments.

Applicant greatly appreciates the indication in the Office Action that claim 16 recites allowance subject matter.

**I. The Claims Define Allowable Subject Matter**

The Office Action rejects claims 1-5 and 14 under 35 U.S.C. §102(b) as being anticipated by Koyama et al. (U.S. Patent Publication No. 2002/0141472). The Office Action rejects claims 1, 3, 6 and 17 under 35 U.S.C. §102(e) as being anticipated by Shimizu (U.S. Patent No. 6,480,516). The rejections are respectfully traversed.

The Office Action asserts that Koyama teaches all of the features of claims 1-5 and 14 including, *inter alia*, a laminate comprising a current confinement layer having a conductive region; and the block member having a size smaller than that of the conductive region. However, this assertion is erroneous. Specifically, the layer 32 cited by the Office Action as the alleged confinement layer is not described in Koyama as a confinement layer as presently claimed. Indeed, the element designated as 32 in Koyama, e.g., Fig. 2D, is a subset of element 20. Element 20 is defined in Koyama as a p-type layer. There is no indication in Koyama that a portion of this p-type layer is a current confinement layer as presently claimed. The Office Action further asserts that a conductive region is taught in Koyama at item 34, e.g., Fig. 2D. However, Koyama discloses only that this feature is the non-oxidation region 34 of the p-type layer. Thus, Koyama fails to teach all of the currently claimed combination of features, including, *inter alia*, a laminate including a current confinement layer having a conductive region, and the block member having a size smaller than that of the conductive region.

The Office Action asserts that Shimizu teaches all of the features of claims 1, 3, 6 and 17 including, *inter alia*, a blocking member and current confinement layer as presently claimed. Specifically, Shimizu fails to teach a blocking member separate from an electrode. The member referred to in the Office Action is designated in Shimizu as an electrode, and even if the cross-hatched portion of the central electrode 16 could be considered to be a blocking member, this member is not separate from an electrode as presently claimed. Moreover, Shimizu fails to teach a current confinement layer and thus fails to teach a blocking member smaller than the current confinement layer. The current confinement layer of the presently claimed application includes a conductive region that is surrounded at the periphery by an oxide region. Shimizu fails to teach this arrangement. Shimizu thus fails to teach all the currently claimed combination of features of claims 1, 3, 6 and 17. Applicant thus submits that the claims as amended obviate the rejection.

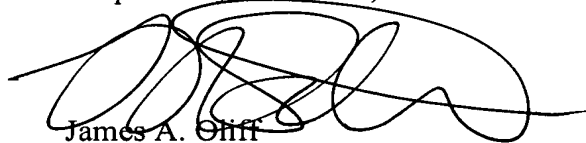
Withdrawal of the rejections is respectfully requested.

## **II. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:LMS:RAC/eks

Attachment:  
Request for Continued Examination

Date: April 11, 2007

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